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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217546
Party	Plaintiff Cupid plc
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of
Trademark Application Serial No. 86180115
Published: June 10, 2014
Marks: **CANNABISCUPID**

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Cupid plc,)	
)	
)	
Opposer,)	
)	
v.)	Opposition No. 91217546
)	
JWCC, LLC)	
)	
Applicant.)	
)	

AMENDED NOTICE OF OPPOSITION

Opposer Cupid plc (“Opposer”), a United Kingdom public limited company with its principal place of business at 7 Castle Street, Edinburgh, Scotland, United Kingdom EH23AH, believes it will be damaged by the registration of the mark shown in Application Serial No. 86180115 filed by JWCC, LLC (“Applicant”), a Montana limited liability company with its principal place of business at 1239 Lewis Avenue, Billings, Montana 59102, and hereby opposes the application, alleging as grounds for its opposition:

1. Opposer is the owner of the mark CUPID.COM for use in connection with Internet-based dating, social introduction, and social networking services.
2. Opposer is the owner of U.S. federal trademark Registration No. 4170074 for the mark CUPID.COM in standard-character format for use in connection with “Internet-based dating, social introduction, and social networking services,” in International Class 45. A printout

of the USPTO's electronic database records showing the current status and title of Opposer's registration is attached hereto as Exhibit A and made of record under 37 C.F.R. § 2.122(d)(1).

3. Beginning at least as early as 2000, continuously through to the present and without abandonment, Opposer has advertised, promoted, marketed, and sold its aforementioned services under the CUPID.COM mark, establishing valuable common law rights in the mark.

4. Through its widespread and exclusive use in commerce and as a result of extensive marketing, promotion, advertising and sales activity, Opposer's well-known and distinctive CUPID.COM mark has achieved substantial recognition and has become famous among the trade and consuming public prior to the earliest date on which Applicant may rely for purposes of priority, and has come to symbolize Opposer's goodwill and good reputation.

5. Opposer owns two pending applications for "CUPID" formative marks. Application serial nos. 86162563 and 86162510 for the marks CUPIDOCITY and CUPIDOLOGY, respectively, describe various goods and services, including Class 45 services described as "Internet based social networking services; social and personal introduction agencies; providing a website on the internet for the purpose of social networking; creating personality and physical attractiveness profiles for others; providing a website of the internet for social introductions made through profile matching; dating agency services; computer dating services; provision of dating agency services via the internet; dating services provided through social networking; marriage partner introduction or dating services; video dating services; social escort agency services; social escorting; personality profiling services; psychological profiling; information and advice relating to dating and relationships; information and advisory services relating to the aforesaid services" that are pending at the USPTO as intent to use applications.

6. As is evidenced by the publication of the CANNABISCUPID mark in connection with Applicant's Application Serial No. 86180115 in the Official Gazette on June 10, 2014, Applicant seeks to register CANNABISCUPID as a service mark for use in connection with "dating services, namely, providing an on-line computer database featuring single people interested in meeting other single people; Internet-based dating, social introduction and social networking services" in International Class 45.

7. The services identified in Applicant's Application Serial No. 86180115 are overlapping and highly related, if not virtually identical to the services offered by Opposer in connection with Opposer's CUPID.COM, and intended to be offered in connection with Opposer's CUPIDOCITY and CUPIDOLOGY marks (collectively, Opposer's "CUPID Marks"), and, upon information and belief, are offered to the same, substantially similar, and/or overlapping classes of consumers as those to which Opposer caters and through the same, substantially similar, and/or overlapping channels of trade.

8. The mark in Applicant's Application Serial No. 86180115 is so similar to Opposer's CUPID.COM mark, and the services identified in Applicant's application are so related to the services offered by Opposer that registration of Applicant's mark would result in a likelihood of confusion among relevant consumers.

9. Applicant's Application Serial No. 86180115 was filed as an intent to use application on January 30, 2014, and is junior to Opposer's June 4, 2002 date of first use in commerce of its CUPID.COM mark and Opposer's February 15, 2011 filing date of Serial No. 85242196, which matured into Opposer's U.S. Registration No. 4170074 for CUPID.COM. Opposer thus has priority of use over Applicant.

10. Opposer has not consented to or authorized Applicant's use or registration of the CANNABISCUPID mark in connection with the services identified in Application Serial No. 86180115.

11. Applicant's CANNABISCUPID mark is likely to cause confusion, mistake or deception in that consumers are likely to believe that Applicant's services are Opposer's services or the services of a company that is sponsored, authorized, or licensed by, or in some other way legitimately connected with Opposer in violation of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. §1052(d).

12. Applicant's use of the CANNABISCUPID mark is likely to falsely suggest a connection with services provided by Opposer under its CUPID Marks, and cause disparagement of Opposer by subjecting Opposer to contempt or ridicule because of the association created by use of "cannabis" in Applicant's cupid-formative mark CANNABISCUPID with marijuana and Opposer's services.

13. CANNABISCUPID is a close approximation of Opposer's Marks and would be perceived as within Opposer's family of "CUPID" formative marks, and as such, would be recognized as pointing to an association with Opposer, thereby causing loss, damage and injury to Opposer in violation of Section 2(a) of the Trademark Act of 1946, 15 U.S.C. §1052(a).

14. Applicant's use of the CANNABISCUPID mark is likely to cause dilution by tarnishment of Opposer and/or Opposer's services, thereby causing loss, damage and injury to Opposer in violation of Section 43(c) of the Trademark Act of 1946, 15 U.S.C. §1125(c).

15. Applicant's use of the CANNABISCUPID mark is likely to interfere with Opposer's use of its CUPID Marks and Opposer's ability to avail itself of present and future commercial benefit resulting from its sustained financial investment in the development thereof.

16. Applicant's registration of the CANNABISCUPID marks in connection with the services identified in Application Serial No. 86180115 would be damaging to Opposer.

WHEREFORE, Opposer prays that this Notice of Opposition be sustained, that Application Serial No. 86180115 be rejected, and that Applicant be denied registration.

Dated: September 19, 2014.

Respectfully submitted,
Cupid plc

s/Gayle L. Strong
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Counsel for Opposer Cupid plc

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2014, a true and correct copy of the foregoing Amended Notice of Opposition was served via First Class Mail, postage prepaid on counsel of record for Applicant:

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s/ Robin Aragon
Robin Aragon